

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

LOUIE F. GALLEGOS,

Plaintiff,

vs.

Civ. No. 01-322 JP/LFG  
Consolidated with  
Civ. No. 01-1253 JP/WWD

STATE OF NEW MEXICO,  
JACQUELYN TORRES, individually,  
and MICHAEL BLEA, individually,

Defendants.

MEMORANDUM OPINION AND ORDER CONSOLIDATING  
CIV. NO. 01-322 JP/LFG AND CIV. NO. 01-1253 JP/WWD

On March 21, 2001, the Plaintiff filed this employment case. On November 2, 2001, the Plaintiff filed a civil rights case, Civ. No. 01-1253 JP/WWD. Although each of these cases alleges different causes of action, there are factual allegations that both cases share. This Court has the authority to consolidate related cases *sua sponte* under Fed. R. Civ. P. 42(a). *See Devlin v. Transportation Communications Intern. Union*, 175 F.3d 121, 130 (2d Cir. 1999). The determination of a motion to consolidate is discretionary. *Shump v. Balka*, 574 F.2d 1341, 1344 (10th Cir.1978); *Gillette Motor Transport v. Northern Oklahoma Butane Co.*, 179 F.2d 711, 712 (10th Cir.1950).

In deciding whether to consolidate cases, the Court should initially determine that the cases to be consolidated “involv[e] a common question of law or fact.” Fed. R. Civ. P. 42(a). If the cases involve a common question of law or fact, the Court should then weigh the interests of judicial convenience in consolidating the cases against the delay, confusion, and prejudice consolidation might cause.

*Servants of Paraclete, Inc. v. Great American Ins. Co.*, 866 F.Supp. 1560, 1572 (D.N.M.

1994)(citing *Southwest Marine, Inc. v. Triple A Mach. Shop, Inc.*, 720 F.Supp. 805, 807 (N.D. Cal. 1989)). Applying these standards to the Plaintiff's two pending cases, the Court finds that consolidation is desirable "to avoid unnecessary costs or delay." *See id.*; Fed. R. Civ. P. 42(a).

IT IS ORDERED that:

1. Civ. No. 01-322 JP/LFG and Civ. No. 01-1253 JP/WWD are consolidated;
2. Civ. No. 01-322 JP/LFG is the lead case; and
3. all future filings in Civ. No. 01-1253 JP/WWD will be filed in Civ. No. 01-322 JP/LFG.

  
CHIEF UNITED STATES DISTRICT JUDGE